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Attorneys for ANNE E. LOPEZ, in her
official capacity as Attorney General for the
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI‘I

NATIONAL ASSOCIATION FOR
GUN RIGHTS et al.,

Plaintiffs,

v.

ANNE E. LOPEZ, in her official
capacity as Attorney General for the
State of Hawai‘i,

Defendant.

Civil No. 1:22-cv-404-DKW-RT

FIRST STIPULATION TO STAY

District Judge:

Chief Judge Derrick K. Watson

Magistrate Judge:

Rom Trader

FIRST STIPULATION TO STAY

Pursuant to Local Rule 6.2, Plaintiffs NATIONAL ASSOCIATION FOR GUN RIGHTS, RONDELLE AYAU, and JEFFREY BRYANT and Defendant ANNE E. LOPEZ, in her official capacity as Attorney General for the State of Hawai‘i (collectively, “the Parties”), hereby stipulate and agree as follows:

1. Pursuant to an April 24, 2023 Entering Order (ECF No. 67), the Court, at Plaintiffs’ request, stayed Plaintiffs’ motion for a preliminary injunction in this action “pending a decision or decisions in *Miller v. Bonta*, 3:19-cv-01537 (S.D. Cal.) and *Duncan v. Bonta*, 3:17-cv-01017 (S.D. Cal.),” which present Second Amendment challenges to California’s laws restricting assault weapons (*Miller*) and large-capacity magazines (*Duncan*).

2. As the Parties previously notified the Court (ECF Nos. 78, 81, 82, 83), the district court has recently issued decisions in *Miller* and *Duncan*, the California Attorney General has appealed those decisions to the Ninth Circuit, and the Ninth Circuit has stayed the district court’s decisions in both cases pending appeal.

3. Ninth Circuit briefing is currently ongoing in the *Miller* and *Duncan* appeals and is scheduled to be completed by January 8, 2024 in *Miller* and by January 25, 2024 in *Duncan*. See *Miller*, No. 23-2979, Dkt. 22 (9th Cir.); *Duncan*, No. 23-55805, Dkts. 1, 12, 39 (9th Cir.).

4. Oral argument is also already scheduled in both appeals and will take place in early 2024. A three-judge panel is set to hear argument in *Miller* on January 24, 2024, in Pasadena, California. *See Miller*, No. 23-2979, Dkt. 22. The en banc Ninth Circuit will hear oral argument in *Duncan* during the week of March 18, 2024, in San Francisco, California. *See Duncan*, No. 23-55805, Dkt. 12.

5. The Parties believe that the pending *Miller* and *Duncan* appeals will provide important guidance for other challenges to laws pertaining to assault weapons and large-capacity magazines within the Ninth Circuit, including this case. To conserve judicial and litigant resources, the Parties thus respectfully request that the Court stay this case until the Ninth Circuit decides the *Miller* and *Duncan* appeals and issues the mandates in both appeals.

DATED: January 4, 2024

/s/ William J. Taylor, Jr.

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JEFFREY BRYANT

APPROVED AND SO ORDERED:

DATED: January 5, 2024 at Honolulu, Hawai'i.



/s/ Derrick K. Watson

Derrick K. Watson
Chief United States District Judge

National Association for Gun Rights et al. v. Lopez; Civil No. 1:22-cv-404-DKW-RT; First Stipulation to Stay